UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/49/636
S/1994/1240
3 November 1994

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda items 38 and 40
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-ninth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 48/158 D of 20 December 1993 on the question of Palestine. The operative part of the resolution reads as follows:

"The General Assembly,

"...

"1. Reaffirms the need to achieve a peaceful settlement of the question of Palestine, the core of the Arab-Israeli conflict, in all its aspects;

"2. Expresses its support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements, and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East;

"3. Stresses the need for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles;

"4. Urges Member States to provide economic and technical assistance to the Palestinian people;

"5. Also stresses the upcoming negotiations on the final settlement, and reaffirms the following principles for the achievement of a final settlement and comprehensive peace:

"(a) The realization of the legitimate national rights of the Palestinian people, primarily the right to self-determination;

"(b) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

"(c) Guaranteeing arrangements for peace and security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;

"(d) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions;

"(e) Resolving the problem of the Israeli settlements, which are illegal and an obstacle to peace, in conformity with relevant United Nations resolutions;

"(f) Guaranteeing freedom of access to Holy Places and religious buildings and sites;

"6. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter."

2. On 10 August 1994, the Secretary-General, pursuant to the request contained in paragraph 6 of the resolution, addressed the following letter to the President of the Security Council:

"I have the honour to refer to resolution 48/158 D, which the General Assembly adopted on 20 December 1993, at its forty-eighth session, under the agenda item entitled 'Question of Palestine'.

"Paragraph 6 of the resolution 'requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter'.

"In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would be so kind as to convey to me the views of the Security Council by 15 September 1994."

3. As of 17 October 1994, no reply had been received from the Security Council.

4. In a note verbale dated 18 August 1994 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, and of the Palestine Liberation Organization (PLO), with regard to any steps taken by them to implement the

relevant provisions of the resolution. As at 17 October 1994, the following replies had been received.

Note verbale dated 30 September 1994 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"The Permanent Observer of Palestine to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to his note verbale dated 18 August 1994 regarding General Assembly resolution 48/158 D, entitled 'Peaceful settlement of the question of Palestine', and seeks to convey the position of the Executive Committee of the PLO, which retains the powers and responsibilities of the provisional Government of Palestine, on this matter.

"The co-sponsors of General Assembly resolution 48/158 D, while retaining essential elements, introduced important changes in comparison with previous years. The resolution provides support for the peace process and a more active and expanded role for the United Nations in this process. It also provides the basis for the just settlement of the question of Palestine by the end of the process. As such, the resolution should provide a more acceptable basis for all parties to work on these important issues.

"In paragraph 2 of resolution 48/158 D, the General Assembly 'expresses its support for the ongoing peace process, which began in Madrid, and the Declaration of Principles on Interim Self-Government Arrangements, 1/ and expresses the hope that the process will lead to the establishment of a comprehensive, just and lasting peace in the Middle East'.

"Since that resolution, further positive developments on the Palestinian-Israeli track of the peace process have taken place, in particular the signing on 4 May 1994 in Cairo of the first implementation agreement of the Declaration of Principles, namely the Agreement on the Gaza Strip and the Jericho Area. 2/ Other secondary agreements on early empowerment were also reached, and the two parties recently declared their intentions to negotiate the second implementation agreement on the elections, which is of central importance to the Palestinian side, and also on the extension of the self-government arrangements to the rest of the West Bank.

"There have been delays in the implementation of the Declaration of Principles and there has also been some lack of compliance with the provisions of the agreement reached, such as the absence until now of the safe passages between Gaza and Jericho. The Palestinian side, nevertheless, hopes for positive progression of the situation, and wishes to stress the importance of the full implementation of the Declaration of Principles within the agreed time-frame. The same period has also witnessed positive developments on the Jordanian-Israeli track, and it is imperative to have similar progress on the Syrian-Israeli track, as well as the Lebanese-Israeli track, for advancement towards a comprehensive and lasting peace in the Middle East.

"Paragraph 3 of the same resolution 'stresses the need for the United Nations to play a more active and expanded role in the current peace process and in the implementation of the Declaration of Principles'. The PLO welcomes the progress made in this regard, particularly in the field of providing economic, social and other assistance to the Palestinian people. The creation of a coordinating mechanism for United Nations activities throughout the occupied territory, through the appointment of the United Nations Special Coordinator, at the under-secretary-general level, is a welcome development. The PLO hopes, however, that the United Nations will be more involved in the peace process itself. In this regard, the participation of the United Nations in the steering committee of the multilateral working groups would be a normal step forward. In general, the Palestinian side believes that there is a need for broader acceptance of the United Nations in order for it to play its natural role in the historic search for peace in the Middle East. It is worth mentioning that the Security Council played a very useful role, and directly contributed to the peace process, when the Council adopted its resolution 904 (1994). The PLO seeks the full implementation of the said resolution and further involvement of the Security Council.

"In paragraph 5, while stressing the upcoming negotiations on the final settlement, the General Assembly reaffirmed the principles for the achievement of a final settlement and comprehensive peace. The PLO strongly believes that the international community and the General Assembly should always uphold the Charter of the United Nations, international law, international humanitarian law and the validity of Security Council resolutions. As such, the General Assembly has to uphold its positions related to the inalienable rights of the Palestinian people, and it should maintain its positions related to the elements of the final settlement (final status issues), where Israel has already created illegal, de facto situations, until negotiations on those issues take place and conclude in the second stage of the peace process and the final settlement is effectively achieved.

"Finally, the PLO, as it did in previous years, would like to underscore the request made by the General Assembly in resolution 48/158 D for the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region and to submit progress reports on developments in this matter. The PLO stands ready to cooperate fully with the Secretary-General to carry out those efforts in an effective and successful manner and, in the light of the changes made and the new language of the resolution, it expects the other parties to do the same."

Note verbale dated 3 October 1994 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"The Permanent Representative of Israel wishes to recall that Israel voted against resolution 48/158 D. This position remains unchanged. Israel has long advocated the principle of direct negotiations without preconditions as the only way to achieve genuine peace in the Middle East.

The recent achievements in the framework of the peace process vindicate this approach.

"The peace process begun at Madrid is based upon the above-mentioned principle. Within the framework of the peace process, Israel and the PLO signed the Declaration of Principles on 13 September 1993, and the subsequent Agreement on the Gaza Strip and the Jericho Area on 4 May 1994, and Israel and Jordan signed the Washington Declaration on 25 July 1994.

"Resolution 48/158 D stands in contradiction to the principle of direct negotiations without preconditions, which is the agreed basis of the ongoing peace process. Moreover, paragraph 5 of the resolution is intended to predetermine the outcome of the negotiations between Israel and the Palestinians as well as the negotiations on the other bilateral tracks of the peace process. Such predetermination is contrary to any notion of genuine negotiations.

"In the light of the above, the Permanent Representative of Israel believes that this resolution should not be adopted again."

Observations

5. Since the signing by the Government of Israel and the PLO of the Declaration of Principles on Interim Self-Government Arrangements, 1/ the peace process has achieved important results on the road to a peaceful settlement of the Arab-Israeli conflict. The Agreement on the Gaza Strip and the Jericho Area, 2/ signed in Cairo on 4 May 1994, and the subsequent launching of early empowerment, represent important steps forward in the implementation of the Declaration of Principles. The signing of the peace treaty between Israel and Jordan on 26 October 1994 is a historic achievement that will hopefully generate further momentum in the Israeli-Palestinian negotiations, and encourage progress in the Israeli-Lebanese and Israeli-Syrian tracks of the peace process.

6. The United Nations warmly welcomes these developments. During the past year, I have continued to follow the bilateral negotiations between the parties concerned and have maintained close contacts with them as well as the co-sponsors of the peace process. It is my fervent hope that the discussions between Israel and the PLO will steadily progress through the transitional period, achieving agreement on the interim arrangements and permanent status issues outlined in the Declaration of Principles. Such steps will be important in establishing a comprehensive, just and lasting peace in the Middle East, based on Security Council resolutions 242 (1967) and 338 (1973).

7. Over the past year, the United Nations has significantly enlarged its programmes of economic, social and other assistance to the occupied territories in order to support the implementation of the Declaration of Principles, and to promote peace in the region as a whole. It has also continued to participate actively in the multilateral negotiations on Middle East regional issues. With a view to ensuring effective coordination and intensification of the United Nations assistance, I appointed in June 1994 Ambassador Terje Rod Larsen of

Norway as Special Coordinator in the occupied territories. His efforts have focused primarily on Gaza.

8. As I have stated on numerous occasions, the United Nations is prepared to undertake any role that would be helpful to the parties in advancing the peace process. The Organization has been involved in the Middle East - through its resolutions, through its peace-keeping operations, through its programmes of economic and social assistance and through the good offices of the Secretary-General - for nearly five decades. It has acquired great experience in the area. For my part, I remain at the disposal of the parties concerned, and will assist them upon request. I will also make every effort to ensure that the United Nations system contributes its utmost in the fields of economic and social development, which will be essential in building peace throughout the region.

Notes

1/ A/48/486-S/26560.

2/ A/49/180-S/1994/727.